

REMARKS/ARGUMENTS

Claims 13-24 are pending in the present application. None of the claims were amended in this response. Favorable reconsideration is respectfully requested.

Claims 13-24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15 and 17-29 of copending application 10/511,870 (Pub. No. 2005/0181763 - *Enderlein*). Claims 13-17 and 20-24 were rejected under 35 U.S.C. §102(e) as being anticipated by *Carlton et al.* (US Pub. 2004/0203363). Applicant respectfully traverses these rejections.

Applicant notes that the US filing dates for the *Enderlein* and *Carlton* references are April 4, 2003 and April 19, 2002, respectively. The present application claims benefit from PCT Application PCT/DE03/00067, filed on January 7, 2003 which claims foreign priority from German Application 10201248.2, filed on January 11, 2002. These priority documents are referenced in form PTO/SB/103. As such, Applicant submits that neither the *Enderlein* nor *Carlton* references are available as prior art.

In light of the above, the Applicants respectfully submit that the rejections are traversed and should be withdrawn. As such, claims 13-24 of the present application are patentable over the art of record. Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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